IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 5 of 2007(A)

PETITIONER:
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1. T. RAJAN,
KRISHNA FUELS, XI 955 A, MAIN ROAD,
OPP. KRISHNA TEMPLE, VELLANGALLUR, THRISSUR DIST.,
REPRESENTED BY THE POWER OF ATTORNEY HOLDER,
SMT.ASHA RAJAN.

2. T.K. ARJUNAN,
SREEVALSAM FUELS, TC-44/13, CHETTUPUZHA, THRISSUR.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS:
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1. COMMISSIONER OF COMMERCIAL TAXES,
THIRUVANANTHAPURAM.

2. THE INSPECTING ASSISTANT COMMISSIONER,
SALES TAX CHECK POST, MANJESHWARAM.

3. ADDITIONAL SALES TAX OFFICER-III,
IRINJALAKUDA.

4. ADDITIONAL SALES TAX OFFICER,
SECOND CIRCLE, THRISSUR.

BY ADV. SHRI.C.K.GOVINDAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE CERTIFICATE OF KGST REGISTRATION ISSUED IN FAVOUR OF THE 1ST PETITIONER DATED 03/03/2005.

P2 : COPY OF THE CERTIFICATE OF REGISTRATION UNDER THE CENTRAL ACT ISSUED TO THE 1ST PETITIONER DATED 03/03/2005.

P3 : COPY OF THE CERTIFICATE OF REGISTRATION ISSUED IN FAVOUR OF 2ND PETITIONER DATED 25/01/2005.

P4 : COPY OF THE CERTIFICATE OF REGISTRATION UNDER THE CENTRAL ACT ISSUED to the 2ND PETITIONER DATED 25/01/2005.

P5 : COPY OF THE CIRCULAR NO. 50 OF 2006 ISSUED BY THE 1ST RESPONDENT DATED 18/12/2006.

P6 : COPY OF THE CIRCULAR NO. 53 OF 2006 ISSUED BY THE 1ST RESPONDENT DATED 22/12/2006.

P7 : COPY OF THE INVOICE NO. 068606 ISSUED BY ESSAR OIL LTD., DATED 28/12/2006.

P8 : COPY OF THE RECEIPT NO. 2350 ISSUED BY THE 2ND RESPONDENT DATED 28/12/2006.

// TRUE COPY //

PA TO JUDGE.

jg

M.N.KRISHNAN, J.

WP(C).No.....OF 2007

Dated this the 25th July, 2007.

O R D E R

The Registry has noted the objection that how a writ petition is maintainable under Art.227 against an order of dismissal in a petition filed under Order IX Rule 9 of the Civil Procedure Code. I have perused the order. I.A.620 & 621/05 were filed to restore the suit dismissed for default after condoning the delay of 1859 days. The court below dismissed the delay condonation application and consequently the restoration application as well. Now a writ petition is filed. As per Order XLIII Rule 1(c) an order under Rule 9 of Order IX rejecting an application for an order to set aside the dismissal of a suit is made appealable. Therefore, the objection noted by the Registry is sustained. Return the copy of the order to the learned counsel for the writ petitioner to have appropriate remedy.

M.N.KRISHNAN
Judge

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